IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4122 OF 2006

Sau.Umap Sukeshini Satish Petitioner
versus
State of Maharashtra & others Respondents

Mr.Dinesh W. Bhosale for petitioner.

Mr.R.D.Rane, G.P. for respondents 1 & 2.

Mr.Nitin Jamdar for respondent no.3.

CORAM : F.I.REBELLO AND
R.V.MORE, JJ.

DATE : 29th January 2007

PC :

1. The petitioner has approached this Court praying that she being a Project Affected Person (PAP), respondent nos.3 and 4 should be directed to appoint her as Shikshan Sevak as per the seniority of PAPs kept by the office of the Collector, Solapur bearing in mind Government Circular dated 23rd October 2002. Pursuant to the direction of this Court Shri Dinkar Dada Adhav, Under Secretary to Government, School Education Department, has filed reply and explained the method of appointment by direct

recruitment of persons who are Project Affected. It is pointed out that in terms of the directions given by the Hon'ble Supreme Court in Civil Application No.11646/11724/1996 decided on 22nd August 1996, the Government has issued a Circular in General Administration Department dated 25th August 2005. In terms of the said guidelines, for recruitment to reserved posts of PAPs, the list should be called from the Employment and Self Employment Offices according to the seniority. Similarly, applications should be called for from the candidates by giving advertisements in news papers, television, radio, notice boards etc.. The eligible candidates are to be selected from the applications received and the seniority list received from the Employment and Self Employment Offices. From the above it will be clear that in the matter of direct recruitment the area restriction is no more operative, thereby the districtwise appointment is no longer possible and any candidate from any part of the State of Maharashtra is entitled to be considered for direct recruitment. The Circular is not challenged before us.

2. Shri Siddharam Kallappa Sagare, Deputy Education Officer (Primary), Solapur Zilla

Parishad has filed an affidavit. It is pointed out that the selection was done in terms of GR of 9th November 2005. It is further pointed out that 61 candidates were considered. The name of the petitioner was not included in the list. The petitioner had applied for the post of PAP.. The grievance of the petitioner is that petitioner's name was not included amongst the PAPs though she had applied for PAP category. We do not propose to go into the controversy as the last selected candidate had secured 842 marks in the D.Ed. written examination whereas the petitioner has obtained only 763 marks. Further, in terms of the merit list prepared, some other candidates in the order of merit were selected. Once that be the case and the respondents have followed the Government Circular of 2005 and have also followed the order of merit, we find no merit in this petition. It is accordingly disposed off.

3. We make it clear that we have not decided on the legality or otherwise of Circular dated 25th October 2005 considering that the PAPs of a particular area and the object of the Government was to provide employment to those persons who have displaced on account of projects.

(R.V.MORE, J.) (F.I.REBELLO, J.)